

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Arye Malek et al.	Examiner:	John Q. Nguyen
Serial No.:	09/350,251	Group Art Unit:	3654
Filed:	July 8, 1999	Docket:	139.059US1
Title:	TRAY FLIPPER AND METHOD FOR PARTS INSPECTION		

COMMUNICATION:
REQUEST TO ACCEPT DOCUMENT SUBMITTED JUNE 27, 2006, TITLED
“APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE,
AMENDED IN RESPONSE TO NOTICE OF NON-COMPLIANCE”
AS BEING FILED IN TIMELY FASHION

MAIL STOP APPEAL BRIEF

Assistant Commissioner for Patents
Washington, D.C. 20231

On May 26, 2006, Applicants' attorney's office received a telephone call from Examiner John Nguyen, asking if the Applicant's attorney were aware of a January 27, 2006 Notification of Non-Compliant Appeal Brief. Applicants' attorney was engaged in another telephone communication at the time of Examiner Nguyen's call, and upon telephoning Examiner Nguyen's office later on May 26, 2006 was unable to reach Examiner Nguyen, leaving a message for the Examiner that Applicant's attorney was not aware of any January 27, 2006 Notification of Non-Compliant Appeal Brief.

Applicants' Attorney, Charles Lemaire, had thought that a Revocation and Power of Attorney had previously been filed in this case, transferring Power of Attorney to Charles Lemaire, but it evidently had not. A Revocation and Power of Attorney was therefore filed electronically on May 26, 2006. (Examiner Nguyen evidently contacted Applicants' Attorney Charles Lemaire on his own initiative, from contact information that has been on communications submitted in this case since April, 2004.) This case is unavailable on Public PAIR, and Private-PAIR access was/is unavailable until the submitted Power of Attorney is processed. **Applicants' Attorney's first sight of the January 27, 2006 Notification of Non-Compliant Appeal Brief was when Examiner Nguyen faxed a courtesy copy of the Notice to Applicants' Attorney's office on June 13, 2006.**

Due to the above consideration, Applicants respectfully request that the accompanying document being filed on this date, titled "APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES OF THE UNITED STATES PATENT AND TRADEMARK OFFICE," be accepted as being filed in timely fashion – being submitted, as it is, within thirty (30) days of Applicants' Attorney's seeing for the first time the Notification of Non-Compliant Appeal Brief when the Examiner faxed a copy on June 13, 2006. (The original, January 27, 2006 Notice presumably was mailed to the Applicants' previous law firm.)

Respectfully submitted,

ARYE MALEK ET AL.

By their representatives,

LEMAIRE PATENT LAW FIRM, P.L.L.C.
P.O. Box 11358
ST. PAUL, MN 55111

CUSTOMER NUMBER: 40064
TELEPHONE: 952-278-3500

Date June 27, 2006

By /Charles A. Lemaire/
Charles A. Lemaire
Reg. No. 36,198